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*Attorneys for Appellee US Bank National Association as the Plan Administrator for the KHI Post-Consummation Trust and the Liquidation Trust Administrator for the KHI Liquidation Trust*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

In re:

NW VALLEY HOLDINGS LLC,  
  
Debtor.

Case No. 2:16-cv-00168-RFB

KYLE ENTITY HOLDINGS, LLC

Appellant,

v.

U.S. BANK NATIONAL ASSOCIATION  
AS THE PLAN ADMINISTRATOR FOR  
THE KHI POST-CONSUMMATION TRUST  
AND THE LIQUIDATION TRUST  
ADMINISTRATOR FOR KHI LIQUIDATION  
TRUST,

Appellee.

Appeal from Case No. BK-S-15-10116-abl

**STIPULATION AND ORDER FOR EXTENSION OF TIME TO FILE  
APPELLATE BRIEFS [THIRD EXTENSION REQUESTED]**

Kyle Entity Holdings, LLC ("KEH"), by and through its counsel, the law firm of Garman Turner Gordon, LLP, and U.S. Bank National Association as the Plan Administrator for the KHI

1 Post-Consummation Trust and the Liquidation Trust Administrator for the KHI Liquidation  
2 Trust (collectively, the “Kimball Hill Trusts,” and together with KEH, the “Parties”), by and  
3 though their counsel, Shaw Fishman Glantz & Towbin, LLC and the Law Office of Brian D.  
4 Shapiro, LLC, hereby stipulate as follows:

5 1. On January 25, 2016, KEH filed its *Notice of Appeal* [ECF No. 271 in BK-S-15-  
6 10116-abl] to the *Order on Objection to Claim* [ECF No. 169 in BK-S-15-10116-abl] entered by  
7 the United States Bankruptcy Court for the District of Nevada (the “Bankruptcy Court”) on  
8 August 5, 2015, and the *Order on Motion to Amend or Set Aside Order on Objection to Claim*  
9 [ECF No. 257 in BK-S-15-10116-abl] entered by the Bankruptcy Court on January 11, 2016,  
10 thereby commencing the above-captioned appeal (the “Appeal”).

11 2. On January 25, 2016, KEH also filed its *Notice of Election to Have Appeal Heard*  
12 *by the United States District Court Pursuant to 28 U.S.C. § 158(c)(1)(A)* [ECF No. 273 in BK-S-  
13 15-10116-abl].

14 3. This Court entered a *Minute Order in Chambers* [ECF No. 5] on April 12, 2016,  
15 which provided that KEH is required to file its opening brief on or before April 29, 2016, the  
16 Kimball Hill Trusts are required to file their answering brief on or before May 16, 2016, and  
17 KEH is required to file its reply brief on or before June 2, 2016 (collectively, the “Briefing  
18 Deadlines”).<sup>1</sup>

19 4. On April 27, 2016, the Court entered the *Stipulation and Order for Extension of*  
20 *Time to File Appellate Briefs* [ECF No. 7] extending the briefing schedule 60 days in which  
21 KEH is required to file its opening brief on or before June 28, 2016, the Kimball Hill Trusts are  
22 required to file their answering brief on or before July 15, 2016, and KEH is required to file its  
23 reply brief on or before August 1, 2016.

24 5. On June 23, 2016, the Court entered the *Stipulation and Order for Extension of*  
25 *Time to File Appellate Briefs* [ECF No. 9] extending the briefing schedule 90 days in which  
26 KEH is required to file its opening brief on or before September 26, 2016, the Kimball Hill  
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28 <sup>1</sup> The debtor, NW Valley Holdings LLC, is not a party to the Appeal.

Trusts are required to file their answering brief on or before October 26, 2016, and KEH is required to file its reply brief on or before November 9, 2016.

6. The Parties have a settlement conference scheduled for September 13, 2016 in Chicago to resolve this dispute as well as related disputes.

7. The Parties have met and conferred and, subject to approval by this Court, have agreed to a 90-day extension of the Briefing Deadlines to provide the Parties additional time to seek to resolve the Appeal consensually.

8. This is the third requested extension.

9. The Parties make this request in good faith and not for the purposes of delay.

DATED this 23rd day of September, 2016.

GARMAN TURNER GORDON, LLP

/s/ Mark M. Weisenmiller  
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*Attorneys for Appellee US Bank National  
Association as the Plan Administrator for the  
KHI Post-Consummation Trust and the  
Liquidation Trust Administrator for the KHI  
Liquidation Trust*

**IT IS SO ORDERED.**

Dated: September 26, 2016.

4830-9249-4136, v. 1



RICHARD F. BOULWARE, II  
United States District Judge